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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/548,235

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Thomas Mark Levergood

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07/22/2011

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EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

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MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/548,235	Applicant(s) LEVERGOOD ET AL.	
	Examiner PATRICE WINDER	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 13, 14, 17-22, 35-39, 64 and 67-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 13-14, 17-22, 35-39, 64, 67-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Interview Summary

The examiner acknowledges applicant's summary of the March 17, 2011 interview.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 28, 2011 has been entered.

Claim Rejections - 35 USC § 112

Applicant's amendment would appear to overcome the prior 112, 1st rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 13-14, 17-22, 35-39, 64, 67-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al., USPN 5,819,092 (hereafter referred to as Ferguson) in view of Michael Bieber et al., Backtracking in Multiple-Window Hypertext Environment (hereafter referred to as Bieber)

Regarding claims 1, 64, Ferguson taught a computer-implemented method (system) (column 18, lines 30-39), comprising:

producing, by a computing device, an access history profile by filtering one or more transaction logs from one or more server to identify transactions;

determining link traversals from an advertising page to a product page (column 28, lines 58-59, 64-65) by evaluating the access history profile (column 37, lines 44-52);
and

determining accesses to product page resulting from the link traversals to the product page; and (column 31, lines 22-25);

determining an amount to charge a merchant for advertising based said determined accesses to the product page (column 31, lines 8-12); a particular link traversal to the product page, or
on the number of sales resulting from a path advertising page (column 22, lines 25-38; column 31, lines 8-12). Ferguson taught a user identifier associated with transactions (column 35, lines 46-55). Ferguson does not specifically teach the user identifier is a session identifier. However, Bieber taught a session identifier associated with client

identifier (3.2 System Traversal logs). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Bieber's session identifier in Ferguson's online calculators would improved system refinement. The motivation would have been to further refine the log information to the user's session.

Regarding dependent claim 13, Ferguson taught recording the link traversals in a transaction log (column 37, line 61-65).

Regarding dependent claim 14, Ferguson taught the one or more transaction logs are stored on a server (column 37, lines 53-60).

Regarding dependent claim 17, Ferguson taught monitoring the frequency and duration of access to the page (column 36, lines 63-67; column 37, lines 23-27).

Regarding dependent claim 18, Ferguson taught recording the frequency and duration of access to the page in a transaction log stored on a server (column 37, lines 61-67).

Regarding dependent claim 19, Ferguson taught counting accesses to the page exclusive of repeated requests from a common client (column 37, lines 66-67).

Regarding dependent claim 20, Ferguson taught wherein the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 21, Ferguson taught counting the frequency of accesses to the page (column 37, lines 65-67); measuring the time intervals between repeated accesses from a common client (column 37, lines 16-22, 67); and excluding the counting of those accesses that fall within a defined period of time (column 38, lines 3-4).

Regarding dependent claim 22, Ferguson taught the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 35, Ferguson taught recording the frequency and duration of access to the page by keeping a history of each client access to the page in a transaction log (column 36, lines 63-67; column 37, lines 23-27);

producing an access history from the transaction log (column 37, lines 44-52);

wherein the access history is produced from filtering transaction logs from one or more servers to select only transaction involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67);

producing marketing feedback based on the access history (column 34, lines 10-16; column 37, lines 6-14).

Regarding dependent claim 36, Ferguson taught the marketing feedback is selected from the group consisting of: user demand, access pattern, and relationships between customer demographics and accessed pages and access patterns (column 37, lines 6-14).

Regarding dependent claim 37, Ferguson taught evaluating the transaction log to identify the most popular links to the page (column 38, lines 1-4).

Regarding dependent claim 38, Ferguson taught inserting a new link to provide more direct access to the page (column 18, lines 40-49; column 38, lines 5-10).

Regarding dependent claim 39, Ferguson taught the new link is inserted in a location based upon information contained in the transaction log (column 38, lines 5-10).

Regarding claims 67, Ferguson taught a computer-implemented method (column 18, lines 30-39), comprising:

determining, by a computing device, link traversals from an advertising page to a product page (column 28, lines 58-59, 64-65) by evaluating the access history profile (column 37, lines 44-52); and

determining accesses to product page resulting from the link traversals to the product page; and (column 31, lines 22-25);

determining an amount to charge for a merchant for advertising based said determined accesses to the product page (column 31, lines 8-12); a particular link traversal to the product page, or
on the number of sales resulting from a path advertising page (column 22, lines 25-38; column 31, lines 8-12). Ferguson taught a user identifier associated with transactions and exchanged between a client and server (column 35, lines 46-55). Ferguson does not specifically teach the user identifier is a session identifier. Ferguson does not specifically teach the user identifier is a session identifier. However, Bieber taught a session identifier associated with client identifier (3.2 System Traversal logs). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Bieber's session identifier in Ferguson's online calculators would improved system refinement. The motivation would have been to further refine the log information to the user's session.

Regarding dependent claim 68, Ferguson taught recording the link traversals in a one or more transaction logs (column 37, line 61-65).

Regarding dependent claim 69, Ferguson taught the one or more transaction logs are stored on a server (column 37, lines 53-60).

Regarding dependent claim 70, Ferguson taught monitoring the frequency and duration of access to the product page (column 36, lines 63-67; column 37, lines 23-27).

Regarding dependent claim 71, Ferguson taught recording the frequency and duration of access to the product page in a transaction log stored on a server (column 37, lines 61-67).

Regarding dependent claim 72, Ferguson taught counting accesses to the product page exclusive of repeated requests from a common client (column 37, lines 66-67).

Regarding dependent claim 73, Ferguson taught wherein the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 74, Ferguson taught counting the frequency of accesses to the page (column 37, lines 65-67);

measuring the time intervals between repeated accesses from a common client (column 37, lines 16-22, 67); and

excluding the counting of those accesses that fall within a defined period of time (column 38, lines 3-4).

Regarding dependent claim 75, Ferguson taught wherein the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 76, Ferguson taught recording the frequency and duration of access to the page by keeping a history of each client access to the page in a transaction log (column 36, lines 63-67; column 37, lines 23-27);

producing an access history from the transaction log (column 37, lines 44-52);

wherein the access history is produced from filtering transaction logs from one or more servers to select only transaction involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67);

providing marketing feedback based on the access history (column 34, lines 10-16; column 37, lines 6-14).

Regarding dependent claim 77, Ferguson taught the marketing feedback is selected from the group consisting of: user demand, access pattern, and relationships between customer demographics and accessed pages and access patterns (column 37, lines 6-14).

Regarding dependent claim 78, Ferguson taught evaluating the transaction log to identify the most popular links to the product page (column 38, lines 1-4).

Regarding dependent claim 79, Ferguson taught inserting a new link to provide more direct access to the page (column 18, lines 40-49; column 38, lines 5-10).

Regarding dependent claim 80, Ferguson taught the new link is inserted in a location upon information contained in the transaction log (column 38, lines 5-10).

Response to Arguments

Applicant's arguments with respect to claims 1, 13-14, 17-22, 35-39, 64, 67-80 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice L. Winder whose telephone number is (571)272-3935. The examiner can normally be reached on Monday-Friday, 12:00 pm - 8:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu V. Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice L Winder/
Primary Examiner, Art Unit 2452

July 18, 2011